

09/285,937

-3-

December 19, 2002

excess total claims; and a check for this fee is enclosed herewith.

Support for amending currently pending Claim 1 can be found in, inter alia, the originally filed version of Claim 1 and the last paragraph on page 10 of the specification. Support for amending currently pending Claim 2 can be found in, inter alia, the originally filed version of Claim 1.

Support for new Claim 39 can be found in, inter alia, originally filed Claim 19.

Support for new Claims 40 and 41 can be found in, inter alia, the originally filed version of Claim 1 and the last paragraph on page 10 of the specification.

Support for new Claims 42, 47, 52, 57, 62, and 67 can be found in, inter alia, the originally filed version of Claim 9.

Support for new Claims 43, 48, 53, 58, 63, and 68 can be found in, inter alia, the originally filed version of Claim 11.

Support for new Claims 44, 49, 54, 59, 64, and 69 can be found in, inter alia, the originally filed version of Claim 13.

Support for new Claims 45, 50, 55, 60, 65, and 70 can be found in, inter alia, the originally filed version of Claim 15.

Support for new Claims 46, 51, 56, 61, 66, and 71 can be found in, inter alia, the originally filed version of Claim 17.

Support for new Claims 72-79 can be found in, inter alia, the paragraph bridging pages 3 and 4 of the specification.

December 19, 2002

In item 1 in the section entitled "Claim Rejections - 35 USC § 112" on page 2 of the outstanding Office Action, the Examiner rejects currently pending Claims 2 and 5 for allegedly being indefinite because currently pending Claim 2 is allegedly inconsistent with currently pending Claim 1. The Applicants respectfully traverse this rejection because currently pending Claims 2 and 5 are believed to be clear to someone with ordinary skill in the art. Furthermore, this indefiniteness rejection is now moot and should be withdrawn because amended Claim 2 is not inconsistent with amended Claim 1.

In items 1-2 in the section entitled "Claim Rejections - 35 USC § 102" on page 2 of the outstanding Office Action, the Examiner rejects currently pending Claims 1, 4, 7, and 19 for allegedly being anticipated by two newly cited abstracts--CA 125: 41250, 1996 and CA 129: 44683, 1998 (hereinafter referred to as the "1996 abstract" and the "1998 abstract," respectively). The Applicants respectfully traverse this rejection because the 1996 abstract and the 1998 abstract do not teach or suggest the claimed invention (i.e., the invention claimed in amended Claims 1 and 2, currently pending Claims 3-18 and 20-38, and new Claims 39-79).

In item 3 on page 3 of the outstanding Office Action, the Examiner indicates that currently pending Claims 3, 6, and 8 contain allowable subject matter; and in item 4 on page 3 of the outstanding Office Action, the Examiner indicates that currently pending Claims 9-18 and 20-38 are allowed. Therefore, in view of the foregoing, favorable reconsideration of the application is respectfully requested. It is submitted that the claims of record are in condition for allowance. Allowance of the claims at an early date is solicited.

This response amends currently pending Claims 1 and 2, adds new Claims 39-79, and cancels currently pending Claim 19. The amend-

December 19, 2002

ments, additions, and cancellations that are described in the preceding sentence were done to more fully claim the Applicants' invention and were not necessarily done to overcome the prior art, to overcome rejections under 35 U.S.C. § 112, or to overcome any other rejections or objections. The amendments, additions, and cancellations that are described in the first sentence of this paragraph shall not be considered necessary to overcome the prior art, shall not be considered necessary to overcome rejections under 35 U.S.C. § 112, and shall not be considered necessary to overcome any other rejections or objections.

The Applicants reserve the right to seek protection for any unclaimed subject matter either subsequently in the prosecution of the present case or in a divisional or continuation application.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to Deposit Account No. 12-0415; and, in particular, if this response is not timely filed, then the Commissioner is authorized to treat this Response as including a petition to extend the time period pursuant to 37 C.F.R 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account No. 12-0415.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Hon. Commissioner of Patents and Trademarks, Washington, D.C., 20231 on

December 19, 2002
(Date of Deposit)

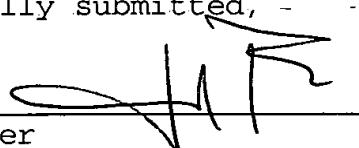
JOHN PALMER
(Name of Applicant, Assignee
or Registered Representative)

(Signature)

(Date)

12-19-02

Respectfully submitted,


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Enclosures: Appendices F, G, and H



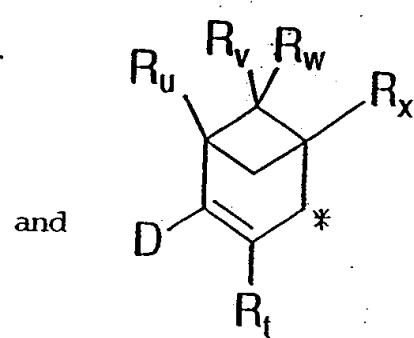
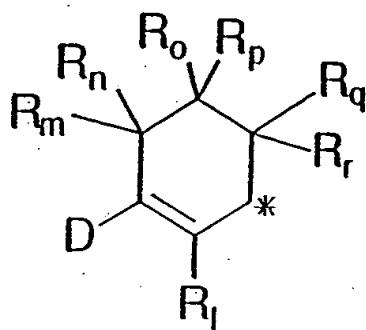
APPENDIX G

Re: U.S. Patent Application No. 09/285,937
Our Ref.: 616758-3/JP

Claim 1. (amended twice) A compound having a formula A:



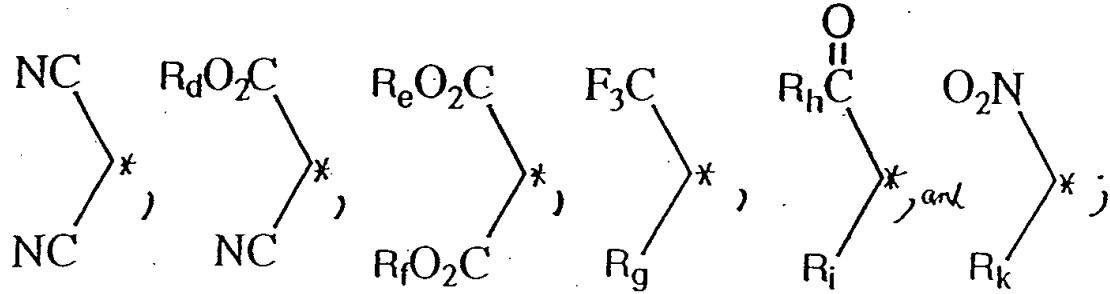
wherein X is selected from the group consisting of



wherein D is selected from the group consisting of NR_aR_b, OR_a, SR_a, PR_aR_b, and R_c;

wherein A is selected from the group consisting of:

APPENDIX G



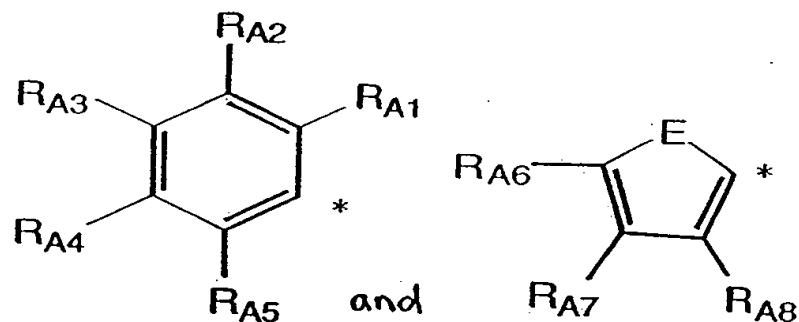
wherein R_a , R_b , and R_c are the same or different and are each independently selected from the group consisting of: H; a linear, branched, or cyclic alkyl group; $-(CH_2CH_2O)_\alpha-(CH_2)_\beta OR_{A1}$; $-(CH_2CH_2O)_\alpha-(CH_2)_\beta NR_{A2}R_{A3}$; $-(CH_2CH_2O)_\alpha-(CH_2)_\beta CN$; $-(CH_2CH_2O)_\alpha-(CH_2)_\beta Cl$; $-(CH_2CH_2O)_\alpha-(CH_2)_\beta Br$; $-(CH_2CH_2O)_\alpha-(CH_2)_\beta I$; $-(CH_2CH_2O)_\alpha-(CH_2)_\beta$ -Phenyl; $-(CH_2)_\alpha(CF_2)_\gamma CF_3$; and an aryl group;

wherein R_d , R_e , R_f , R_l , R_m , R_n , R_o , R_p , R_q , R_r , R_s , R_t , R_u , R_v , R_w , and R_x are the same or different and are each independently selected from the group consisting of: H; a linear, branched, or cyclic hydrocarbon group that is saturated or unsaturated; a linear, branched, or cyclic alkyl group; $-(CH_2CH_2O)_\alpha-(CH_2)_\beta OR_{A1}$; $-(CH_2CH_2O)_\alpha-(CH_2)_\beta NR_{A2}R_{A3}$; $-(CH_2CH_2O)_\alpha-(CH_2)_\beta CN$; $-(CH_2CH_2O)_\alpha-(CH_2)_\beta Cl$; $-(CH_2CH_2O)_\alpha-(CH_2)_\beta Br$; $-(CH_2CH_2O)_\alpha-(CH_2)_\beta I$; $-(CH_2CH_2O)_\alpha-(CH_2)_\beta$ -Phenyl; $-(CH_2)_\alpha(CF_2)_\gamma CF_3$; and an aryl group;

wherein R_g , R_h , R_i , and R_k are the same or different and are each independently selected from the group consisting of: H; a linear, branched, or cyclic hydrocarbon group that is saturated or unsaturated; a linear, branched, or cyclic alkyl group; $-(CH_2CH_2O)_\alpha-(CH_2)_\beta OR_{A1}$; $-(CH_2CH_2O)_\alpha-(CH_2)_\beta NR_{A2}R_{A3}$; $-(CH_2CH_2O)_\alpha-(CH_2)_\beta CN$; $-(CH_2CH_2O)_\alpha-(CH_2)_\beta Cl$; $-(CH_2CH_2O)_\alpha-(CH_2)_\beta Br$; $-(CH_2CH_2O)_\alpha-(CH_2)_\beta I$; $-(CH_2CH_2O)_\alpha-(CH_2)_\beta$ -Phenyl; an aryl group; $-(CH_2)_\alpha(CF_2)_\gamma CF_3$; $-CO_2R_d$; and $-COR_d$;

APPENDIX G

wherein each aryl group is optionally independently selected from the group consisting of



wherein R_{A1}, R_{A2}, R_{A3}, R_{A4}, R_{A5}, R_{A6}, R_{A7}, and R_{A8} are the same or different and are each independently selected from the group consisting of H, a linear alkyl group, a branched alkyl group, and a cyclic alkyl group;

wherein E is selected from the group consisting of S, O, and NR_s;

wherein the alkyl group is optionally substituted or unsubstituted and optionally includes up to 25 carbon atoms;

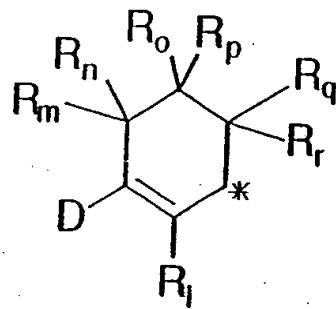
wherein α is an integer that is greater than or equal to 0 and less than or equal to 25;

wherein β is an integer that is greater than or equal to 0 and less than or equal to 25;

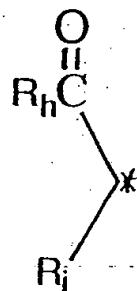
APPENDIX G

wherein γ is an integer that is greater than or equal to 0 and less than or equal to 25; [and]

wherein when: D is CH₃; R₁, R_m, R_n, R_q, and R_r are each H; R_o is H,
[or CH₃] methyl, ethyl, propyl, or butyl; R_p is H,
[or CH₃] methyl, ethyl, propyl, or butyl; and X is

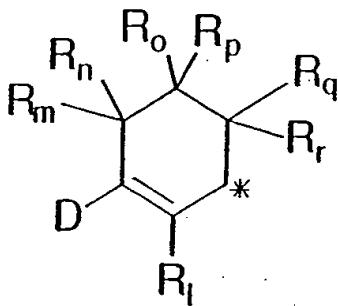


then: A is not C(CN)(CN); and
R_h is not methyl, ethyl, propyl, or butyl when
R_i is H and A is

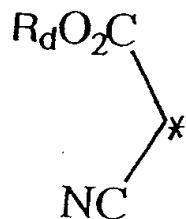


wherein when: D is CH₃; R₁, R_m, R_n, R_q, and R_r are each H; R_o is H,
methyl, ethyl, propyl, or butyl; R_p is H, methyl,
ethyl, propyl, or butyl; X is

APPENDIX G



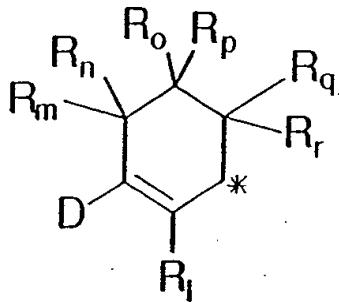
and A is



then: R_d is not methyl, ethyl, propyl, or butyl; and

wherein when: R_1 is H, Cl, Br, or I; R_m , R_n , R_q , and R_r are each H; R_o is H, methyl, ethyl, propyl, butyl, or aryl; R_p is H, methyl, ethyl, propyl, butyl, or aryl; A is $\text{C}(\text{CN})(\text{CN})$; and X is

APPENDIX G



then: D is not methyl;
D is not OR_a when R_a is H, methyl, ethyl,
propyl, butyl, or aryl;
B is not equal to 1, 2, 3, or 4 when α is
0 and D is -(CH₂CH₂O)_α-(CH₂)_β-Phenyl; and
B is not equal to 0 when α is 0, D is
-(CH₂CH₂O)_α-(CH₂)_βOR_{A1}, and R_{A1} is methyl,
ethyl, propyl, or butyl.

Claim 2. (amended twice) A compound as claimed in Claim 1,
wherein [R₁, R_m, R_n, R_o, R_p, R_q, R_r, R_t, R_u, R_v, R_w, and R_x are each
H; wherein A is C(CN)(CN); and wherein D is R_y or OR_y, and wherein
R_y is selected from the group consisting of the linear alkyl group,
the branched alkyl group, the cyclic alkyl group, and the aryl
group] X is

APPENDIX G

